

Mayor David Cartmell
Maysville, Kentucky
President, Kentucky League of Cities
Sept. 13, 2005

Chairman Turner and members of the Subcommittee on Federalism and the Census, my name is David Cartmell and I'm happy for three reasons to provide testimony for today's hearing on the subject of brownfields remediation. I'm here in my capacity as a mayor who is required to be a steward of the environment and a promoter of economic development. I am also here in my capacity as President of the Kentucky League of Cities because we're strong advocates for state policies that support the concept of home rule and local decision-making. And, finally, I'm happy to be here because I have been asked to chair the executive committee that is currently forming a Kentucky chapter of the National Brownfields Association.

These are exciting yet frustrating times for those of us in Kentucky who support the smart growth approach of recycling abandoned and under-utilized properties that, in some cases, are harboring potentially hazardous materials. In the last five years Kentucky has:

- enacted a voluntary environmental remediation program and a thoughtful and flexible set of implementing regulations
- authorized tax credits that will provide up to \$150,000 to an individual property owner who carries out a state-approved brownfield clean-up project
- created a historic property tax credit that will provide real incentives for the restoration of significant commercial and residential structures
- become one of 10 states to adopt the Uniform Covenants Act that will facilitate enforcement of environmental covenants that are often used when properties are recycled for new uses

These have been difficult preliminary steps but now that we have taken them, Kentucky is poised for progress when it comes to environmental restoration programs. The establishment of a Kentucky Chapter of the National Brownfields Association will help us press ahead with the challenges of creating new remediation incentives and educating the public about the need to channel development toward recycled land and away from the green fields we would like to protect.

The Kentucky brownfields tax credits for private property owners are a good start but local governments play an important role in the elimination of brownfields and could benefit from additional resources such as revolving loan funds. Small cities like mine are at a real disadvantage when it comes to competing with larger communities. Last year, Kentucky was the only state in EPA's Region 4 to be completely shut out in the competition for federal brownfields grant money. Imagine how disheartening that was for officials in Maysville and five other Kentucky communities who committed significant time and effort to the grant application process.

Not only do we suffer from the common misperception that hazardous, abandoned industrial sites are all in big cities, but we are also the least likely to have the considerable resources it takes to write an effective grant application meeting the long list of applicable EPA rules and regulations. Small towns like Maysville have challenging environmental issues such as the two abandoned milk processing plants we've already cleaned up and the imposing old hospital building that sits empty right on the edge of our downtown historic district. In addition to the former hospital with contamination issues we have 31 tobacco warehouses and processing facilities in our community and, as that industry declines, an increasing number of them will become abandoned properties.

I have a vision for my picturesque Ohio River community and that vision includes convenient condominiums in the old hospital with great views of the scenic river valley, and information age businesses in former tobacco warehouses. It's tough to dream big in a small town with limited resources and no large-scale developers who could single-handedly transform a downtown, but big dreams can become reality with financial assistance that makes it possible for the local government to play the roles of project initiator and facilitator.

Another vision I have is of a brownfields remediation process that is simple and easy to understand and provides the sort of liability protection that commercial lenders appreciate. It took us 10 years to deal with the two former dairy plants in Maysville that I mentioned earlier. Ten years to get closure on two properties that were nowhere close to being Superfund sites. How can I convince a developer to sign on to a project where the environmental preliminaries may take a decade? I certainly don't want a process that exposes anyone in my community to needless risk, but we've got to find a way get challenged properties turned around in a reasonable period of time.

Individual states are moving to simplify their brownfields cleanup process and to give property owners a sense of security when it comes to issues such as "how clean is clean?". This is an area where the EPA could play a very positive role through the creation of a national model for a streamlined remediation process that would be appropriate for the moderately contaminated sites that are most likely to be encountered in small cities.

As I look around the country, the common thread I see in effective brownfields programs in Ohio, Indiana, Illinois, Pennsylvania, New York and Michigan are the state-level grant and loan programs. When combined with the willingness of cities to commit their resources to community re-development projects, state incentives under an umbrella of common sense federal rules and guidelines can be a powerful force in jump-starting work that has been long delayed by fear of the unknown.

In summary, I'm not here looking for a handout. I'm here asking you to help me be a more effective participant in a public-private partnership that gets things done.